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JETBLUE AIRWAYS CORPORATION

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

REGINA CANELA,

Plaintiff,

-against-

JETBLUE AIRWAYS CORPORATION,

Defendant.

**Case No.:**

**DEFENDANT'S NOTICE OF  
REMOVAL**

**ECF CASE**

Defendant JETBLUE AIRWAYS CORPORATION (hereinafter  
“JETBLUE”), by its attorneys, Martinez & Ritorto, P.C., for removal of this action from  
the Supreme Court of the State of New York, Queens County, to the United States  
District Court for the Eastern District of New York, respectfully shows this Honorable  
Court:

1. The Summons and Complaint in this action were served on  
JETBLUE via the New York Secretary of State on September 16, 2021; a true copy of  
the Notice of Service from the New York Secretary of State is attached hereto as Exhibit  
“A” and made a part hereof.

2. True copies of the Summons and Complaint, which were received  
by JETBLUE on or about December 2, 2021, are attached hereto as Exhibit “B” and  
made a part hereof.

3. True copies of the Summons and Complaint filed with the Clerk of the Supreme Court of the State of New York, County of Queens, are attached hereto as Exhibit “C” and made a part hereof.

4. A Supplemental Summons and Amended Complaint, were filed with the Clerk of the Supreme Court of the State of New York, County of Queens, and served on JETBLUE on December 14, 2021, true copies of which are attached hereto as Exhibit “D” and made a part hereof.

5. That, upon information and belief, the aforementioned Summons and Complaint and the Supplemental Summons and Amended Complaint were the only pleadings delivered to JETBLUE in the said action.

6. That the above-referenced action is a civil action allegedly arising out of bodily injuries sustained by Plaintiff on or about September 15, 2018, while boarding a JETBLUE flight at JFK International Airport in Queens, New York.

7. According to the attached Declaration of JETBLUE Employee Devina Dewnarayan (a true copy of which are attached hereto as Exhibit “E” and made a part hereof (personal information redacted)), Plaintiff’s flight on September 15, 2018 was headed to Ciabo International Airport in the Dominican Republic.

8. That the instant Notice of Removal is filed within thirty (30) days after JETBLUE first received a copy of Plaintiff’s Supplemental Summons and Amended Complaint from which JETBLUE could first ascertain that the action was removable.

#### **BASIS FOR REMOVAL**

9. That the basis for removal is that this action is one over which the District Courts of the United States have original jurisdiction by reason of Federal

Question Jurisdiction under Title 28, United States Code, Section 1331 on the basis that the Montreal Convention, *reprinted in* S. Treaty Doc. No. 106-45, preempts state law standards governing aviation safety and flight operations concerning international flight. (See also Biscone v. JetBlue Airways Corp., 681 F. Supp. 2d 383, 386 (E.D.N.Y. 2010)) (“Because the Montreal Convention does in fact provide a federal cause of action, a claim under the Montreal Convention presents a federal question sufficient to invoke federal jurisdiction.”). According to the allegations contained in the Amended Complaint, Plaintiff was allegedly injured while boarding an international flight from New York to the Dominican Republic. Therefore, by virtue of the provisions of Title 28, United States Code, Section 1441(a), the entire case is one that may be removed to this Court.

WHEREFORE, Defendant respectfully submits that: 1) this Notice complies with the statutory removal requirements; 2) this action should proceed in this Honorable Court as a properly removed action; and 3) Defendant should have such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
January 3, 2022

**MARTINEZ & RITORTO, P.C.**

/S Michael Maragoudakis  
By \_\_\_\_\_  
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TO:

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